



Entered on Docket
January 30, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,¹

USA Capital Diversified Trust Deed Fund, LLC,

USA Capital First Trust Deed Fund, LLC,²

USA Securities, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIRST
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED UPON INVESTMENT IN
THE PRESERVE AT GALLERIA,
LLC LOAN**

Hearing Date: January 22, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's First Omnibus
2 Objection to Proofs of Claim Based Upon Investment in the Preserve At Galleria, LLC
3 Loan (the "Objection") [DE 6637]. Adequate notice of the Objection was given. No
4 responses were filed to the Objection and no opposition was raised to the Objection at the
5 hearing on January 22, 2009. Good cause appearing,

6 IT IS ORDERED that the Objection is sustained and the Proofs of Claim listed on
7 Exhibit A attached are disallowed in their entirety because they were based entirely upon
8 an investment in the Preserve At Galleria, LLC Loan.

9 ###

10 PREPARED AND SUBMITTED:

11 **LEWIS AND ROCA LLP**

12
13 By: /s/ John Hinderaker (#18024)
14 Rob Charles
15 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (#18024)
Rob Charles
John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

**PRESERVE AT GALLERIA LOAN
FIRST OMNIBUS OBJECTION**

**EXHIBIT A
Single Loan Claims**

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Preserve at Galleria Loan
10725-00962	Donald G. and Bette Coleen Bevan	1553 Springwater Drive Orem, UT 84058-5868	\$43,000.00	\$43,000.00
10725-02456	Cohn Family Living Trust Dated 1/15/96	Jerry Cohn and Gloria L. Cohn Ttees 301 Bryant Street #103 San Francisco, CA 94107	\$200.10	\$200.10
10725-00265	Esperance Family Trust Dtd 12/9/04	Robert J. and Mary A. Esperance Ttees 904 Dolce Drive Sparks, NV 89434-6646	\$60,000.00	\$60,000.00
10725-00373	Hansen Family Trust Dtd 6/6/89	Kenneth L. and Donna J. Hansen Ttees 13287 Rattlesnake Road Grass Valley, CA 95945-8814	\$240.12	\$240.12
10725-00356	Robert W. Hill	4900 San Timoteo Avenue NW Albuquerque, NM 87114-3813	\$800.39	\$800.39
10725-01978	John Manter	1449 Tirol Drive Incline Village, NV 89451	\$24,800.00	\$24,800.00
10725-00912	Joyce E Smith Trust Dated 11/3/99	c/o Joyce E. Smith Trustee 3080 Red Springs Drive Las Vegas, NV 89135-1548	\$80,478.95	\$80,478.95
10725-01759	Charlotte Snopko Marital Trust Dtd 8/31/04	Frank Snopko Ttee Stephen R. Harris, Esq. Belding Harris & Petroni Ltd. 417 West Plumb Lane Reno, NV 89509	\$250,000.00	\$250,000.00
10725-00543	Lynn Wilkelis	P.O. Box 642 Buellton, CA 93427	\$53,104.00	\$53,104.00
10725-00534	Lynn Wilkelis and Ann Marsden	P.O. Box 642 Buellton, CA 93427-0642	\$400.19	\$400.19
10725-01013	Gregory D. Yonai, Trustee	1982 Country Cove Court Las Vegas, NV 89135-1552	\$39,292.00	\$39,292.00